

1 Marc C. Forsythe - State Bar No. 153854  
2 Charity J. Manee – State Bar No. 286481  
**GOE FORSYTHE & HODGES LLP**  
3 17701 Cowan, Suite 210, Building D  
Irvine, CA 92614  
[mforsythe@goeforlaw.com](mailto:mforsythe@goeforlaw.com)  
[cmanee@goeforlaw.com](mailto:cmanee@goeforlaw.com)

5 Telephone: (949) 798-2460  
Facsimile: (949) 955-9437

7 Attorneys for Alleged Debtor Stewart Homes Inc.  
dba 5 Star Homes

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA DIVISION**

In re:  
13  
14 STEWART HOMES INC., dba 5 STAR  
HOMES,  
15  
16 Alleged Debtor.

Case No. 8:23-bk-12060-TA

Chapter 7

**STIPULATION BETWEEN THE  
ALLEGED DEBTOR AND  
PETITIONING CREDITORS TO  
CONTINUE MOTION CUTOFF DATE**

## Pre-Trial Conference

Date: December 5, 2024  
Time: 11:00 a.m.  
Ctrm: 5B  
Location: 411 West Fourth Street  
Santa Ana, CA 92701

1        This stipulation (“Stipulation”) is entered into between alleged chapter 7 Debtor, Stewart  
2 Homes Inc., dba 5 Star Homes (“Alleged Debtor”) and Mobile Direct LLC and Mobile Direct 2  
3 LLC (collectively, the “Petitioning Creditors”, and together with the Alleged Debtor, the  
4 “Parties”), by and through their undersigned counsel of record, with regard to the following:

5 **I. RECITALS**

6        A. On October 7, 2023, the “Petitioning Creditors filed an involuntary petition  
7 (“Involuntary Petition”) for chapter 7 bankruptcy relief against the Alleged Debtor, commencing  
8 the case entitled *In re Stewart Homes Inc.*, Case No. 8:23-bk-12060-TA (the “Bankruptcy Case”).

9        B. On March 12, 2024, the Parties appeared for a Status Conference and agreed to the  
10 following: Last day to complete discovery is June 30, 2024; Last Day to file Pre-Trial Motions is  
11 July 19, 2024; Pre-Trial Conference is set for August 1, 2024 at 10:00 a.m.; and Joint Pre-Trial  
12 Stipulation and order due per Local Rules. See Docket No. 47. No scheduling order was lodged,  
13 as noted in Docket No. 47.

14        C. Subsequently, the Alleged Debtor propounded discovery on the Petitioning Creditors,  
15 which the Alleged Debtor has granted an extension to August 31, 2024. Additionally, the Parties  
16 are still actively involved in settlement negotiations with Judge Scott Clarkson in relation to this  
17 Involuntary Bankruptcy case and in conjunction with the currently pending in the United States  
18 District Court, Central District of California, entitled *Wells Fargo Bank, N. A., a national bank  
association, vs. Stewart Homes, Inc., a California corporation, dba 5 Star Homes; Capital (360),  
Inc., a California corporation; David M. Tofolo, an individual; Amy S. Stewart, trustee of the  
Stewart Trust; and Does 1-10, inclusive*, U.S.D.C. Case Number 8:23-cv-01800-DOC-ADS,  
22 before the Honorable Judge David O. Carter (the “WFB Lawsuit”). The Parties, and others from  
23 the WFB Lawsuit, are scheduled for a mediation with Judge Clarkson on July 12, 2024.

24        D. On July 12, 2024, the Court entered an order continuing the last day to serve discovery  
25 to July 31, 2024, file Pre-Trial Motions, which includes discovery motions to October 21, 2024  
26 and set the Pre-Trial Conference to December 5, 2024 at 10:00 a.m.

27        E. The Parties have agreed to a one week extension to continue the last day to file Pre-  
28 trial Motions.

1       **II. STIPULATION**

2           Based on the foregoing, the Parties stipulate to:

3           1. Continue the last day to file Pre-Trial Motions (which includes any discovery  
4           motions) to October 28, 2024.

5       **SO STIPULATED.**

6           Dated: October 14, 2024

7           GOE FORSYTHE & HODGES LLP

8           By: /s/Marc C. Forsythe

9           Marc C. Forsythe

10          Charity J. Manee

11          Attorneys for Alleged Debtor Stewart  
12          Homes Inc., dba 5 Star Homes

13           Dated: October 14, 2024

14           WALL & SON

15           By: 

16          William J. Wall

17          Attorneys for Petitioning Creditors

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 17701 Cowan, Suite 210, Irvine, CA 92614.

A true and correct copy of the foregoing document entitled (*specify*): **STIPULATION BETWEEN THE ALLEGED DEBTOR AND PETITIONING CREDITORS TO CONTINUE MOTION CUTOFF DATE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) October 15, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) October 15, 2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows: Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:** (*state the method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) October 15, 2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows: Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

THE REQUIREMENT OF LBR 5005-2(d) TO PROVIDE JUDGES COPIES IS SUSPENDED AT THIS TIME

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 15, 2024 Date	Danielle Cyrankowski Printed Name	/s/ Danielle Cyrankowski Signature
--------------------------	--------------------------------------	---------------------------------------

1           **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

2           • **Stephen P Farkas** sfarkas@callahan-law.com, cgallardo@callahan-law.com;jnichols@callahan-  
law.com;mjs@callahan-law.com

3           • **Marc C Forsythe** mforsythe@goforlaw.com,  
mforsythe@goforlaw.com;dcyrankowski@goforlaw.com;Forsythe.MarcR136526@notify.bestcas-  
e.com

4           • **Mark D Hurwitz** mhurwitz@lsl-la.com, dsmall@lsl-la.com,narutunyan@lsl-la.com

5           • **Charity J Manee** cmanee@goforlaw.com, kmurphy@goforlaw.com

6           • **Matthew J Pero** mpero@lagerlof.com, lhlista@lagerlof.com;mrapkine@lagerlof.com

7           • **Douglas A Plazak** dplazak@rhlaw.com

8           • **Leo D Plotkin** lplotkin@lsl-la.com, hpetrilli@lsl-la.com;dsmall@lsl-la.com

9           • **Michael Rapkine** mrapkine@lagerlof.com, afrctecf@afrct.com

10          • **Amitkumar Sharma** amit.sharma@aisinfo.com

11          • **Timothy J Silverman** tsilverman@scheerlawgroup.com, tsilverman1@ecf.courtdrive.com

12          • **James E Till** james.till@till-lawgroup.com, martha.araki@till-lawgroup.com;myrtle.john@till-  
lawgroup.com;sachie.fritz@till-lawgroup.com

13          • **United States Trustee (SA)** ustpregion16.sa.ecf@usdoj.gov

14          • **William J Wall** wwall@wall-law.com

15          • **Diane Weifenbach** diane@attylsi.com, bankruptcy1@attylsi.com

16          • **Mandy Youngblood** csbk@gmfinancial.com

17

18

19

20

21

22

23

24

25

26

27

28